



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,905	01/04/2002	Blake L. Reynolds	8614.61	8720

21999 7590 09/16/2004

KIRTON AND MCCONKIE
1800 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
P O BOX 45120
SALT LAKE CITY, UT 84145-0120

EXAMINER

KARMIS, STEFANOS

ART UNIT	PAPER NUMBER
----------	--------------

3624

DATE MAILED: 09/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/039,905	REYNOLDS, BLAKE L.	
	Examiner	Art Unit	
	Stefano Karmis	3624	<i>nlw</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 18-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 18-23 is/are rejected.
- 7) ☒ Claim(s) 13-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to Applicant's amendment filed on 07 June 2004.

Status of Claims

2. Claims 1-12 and 18-23 are previously presented. Claims 13-17 are cancelled. Therefore claims 1-12 and 18-23 are under prosecution in this application.

Summary of this Office Action

3. Applicant's arguments, with respect to the rejection(s) of claim(s) 1-23 under 35 U.S.C. § 103(a) Ijichi in view of Chusid have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Walker et al. (hereinafter Walker) U.S. Patent 6,434,534.

Response to Arguments

4. Applicant's arguments with respect to claim 1-12 and 18-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

5. Claims 13-17 are objected to. The listings of claims must comply with 37 CFR § 1.121 in the following manner: cancelled claims and not entered claims may only have a “cancelled” or “not entered” status identifier after the claim number. The text must not be supplied.

Example: Claims 13-17 (cancelled).

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-8, 11, 12 and 20-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Walker et al. (hereinafter Walker) U.S. Patent 6,434,534.

Regarding independent claim 1, Walker discloses a method for encouraging the presentation of a series of unpaid debts to a collection agency, the method comprising, receiving

Art Unit: 3624

a request to collect on an unpaid debt (column 8, lines 1-7), determining whether to allocate a reward for the unpaid debt, wherein the reward includes a non-monetary incentive (column 4, lines 27-36 and column 6, lines 46-56), selectively performing one or more debt collection procedures to collect at least a portion of the unpaid debt (column 8, lines 1-7), and selectively apportioning the portion of the unpaid debt that has been collected (column 5, lines 52-60).

Claim 2, determining whether to allocate the reward comprises determining eligibility for receipt of the reward and if eligibility does exist, allocating the reward (column 6, lines 3-15 and column 6, lines 57-65).

Claim 3, eligibility occurs upon education and certification in at least one of one or more debt collection techniques and one or more techniques to receive reward for unpaid debts (column 8, lines 1-18).

Claim 4, wherein the reward is provided upon certification (column 6, lines 57-65).

Claim 5, a computer device is employed to perform at least one of receiving the request, wherein the request is an electronic request and providing the education (column 9, lines 42-53 and column 5, lines 8-24 and Figure 2).

Claim 6, the reward includes credit for use in obtaining at least one of a good and a service (column 6, lines 46-56).

Claim 7, wherein the credit includes a frequent flyer mile (column 6, lines 46-56).

Claim 8, the step of selectively apportioning comprises identifying a debt owner's amount of the portion collected, wherein the debt owner's amount is the amount of the portion that it to be provided to a service provider to whom the unpaid debt is owed and identifying a collection entity's amount of the portion collected, wherein the collection entity's amount is to be provided to an entity that performed the debt collection procedures (column 12, lines 55-56, column 5, lines 52-60 and column 8, lines 1-8).

Regarding independent claim 11, Walker discloses a method for advancing the presentation of unpaid debts for collection comprising certifying an individual to receive a reward for providing at least one in a series of unpaid debts to a collection entity, wherein the reward includes one or more non-monetary incentives (column 6, lines 46-56), and providing the reward to the certified individual upon providing the unpaid debt to the collection entity (column 8, lines 1-7).

Claim 12, the step for certifying comprises the step of providing education relating to at least one of debt collection and an incentive program that includes the non-monetary incentive (column 6, lines 46-65 and column 8, lines 1-7).

Regarding independent claim 20, Walker discloses a computer program product for implementing within a computer system a method for encouraging presentation of unpaid debts for collection, the computer program product comprising: a computer readable medium for providing computer program code means utilized to implement the method (column 8, lines 62-67 and column 6, lines 46-65 and Figure 2), wherein the computer program code means is comprised of executable code for implementing the steps of receiving a request to collect on an unpaid debt (column 8, lines 1-7), determining whether to allocate a reward for the unpaid debt, wherein the reward included a non-monetary incentive (column 4, lines 27-36 and column 6, lines 46-56); and selectively apportioning monies that have been collected on the unpaid debt (column 5, lines 52-60).

Claim 21, determining whether to allocate the reward comprises determining eligibility for receipt of the reward and if eligibility does exist, allocating the reward (column 6, lines 3-15 and column 6, lines 57-65).

Claim 22, the reward includes credit for use in obtaining at least one of a good and a service (column 6, lines 46-56).

Claim 23, the step of receiving a request to collect on the unpaid debt comprises the step of using a link to automatically receive the request to collect on the unpaid debt, wherein the request is generated upon nonpayment of the debt over a period of time (column 6, lines 16-45).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (hereinafter Walker)

Claims 9 and 10, Walker fails to teach providing vouchers. Official Notice is taken that vouchers are old and well known in the financial arts. Therefore it would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of

Art Unit: 3624

Walker to include vouchers and a payment for the vouchers because it provides an efficient manner for offering a desirable item to a customer for a payment.

12. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (hereinafter Walker) in view of Zervides et al. (hereinafter Zervides) U.S. Patent 6,052,674.

Regarding independent claim 18, Walker teaches a method for encouraging the presentation of a series of unpaid debts to a collection agency, the method comprising, receiving a request to collect on an unpaid debt (column 8, lines 1-7), determining whether to allocate a reward for the unpaid debt, wherein the reward includes a non-monetary incentive (column 4, lines 27-36 and column 6, lines 46-56), selectively performing one or more debt collection procedures to collect at least a portion of the unpaid debt (column 8, lines 1-7), and selectively apportioning the portion of the unpaid debt that has been collected (column 5, lines 52-60). Walker fails to teach that a collection agency is provided with a flat fee for collection of the unpaid debt. Zervides teaches an electronic invoicing and collection system and method with charity donations in which a collection agency collects debt and associated fees for invoices paid after a specified due date (column 5, line 59 thru column 6, line 30). Therefore it would be obvious to anyone of ordinary skill in the art at the time of the Applicant's invention that the teachings of Walker could be modified to include the teachings of Zervides because both provide a reward system based on collection of debt based on a specified payment timeline. There is motivation to combine the teachings because it allows for an efficient manner for a third party

Art Unit: 3624

such as a collection agency to collect debt by providing an incentive that allows for the collection of fees for the provided service.

Claim 19, the debt collection service requires at least a minimum number of requests to be received over a period of time (column 8, lines 9-37).

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (703) 305-8130. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully Submitted
Stefano Karmis
09 September 2004



**HANI M. KAZIM:
PRIMARY EXAMINER**